

# GOVERNOR'S MESSAGE.

*To the Members of the Council,  
and House of Representatives,  
of the Legislature of Utah.*

GENTLEMEN:—

Under renewed obligations to our Father in heaven for protection, mercy, and blessing, we are again assembled in solemn council, expressly for the purpose of representing the wishes, and interests of our respective constituents; of amalgamating our views and feelings; and by the concentration of the varied ability, talent, and wisdom of all, of bringing forth those harmonizing influences which protect, unite, and regulate society; and of combining in a common interest the welfare of the inhabitants of the newly settled but far distant vales, the hardy and enterprising pioneers, and the opulent citizens, artisans, and laborers of the towns, cities, and settlements of not old, but longer date.

Governments, like men, should learn by experience; and omitting to follow in the footsteps of traditional error and folly, extract the good, being guided by that unerring wisdom which enlightens the understanding, and brings forth, from the treasures of knowledge, things both new and old for the benefit of mankind.

Laws should be simple, and plain, easy to be comprehended by the most unlearned; void of ambiguity, and few in number. The greatest simplicity which can be attained in the formation of a code of laws tends to lessen litigation. They should moreover consist more of an organic, than remedial character. It is my firm conviction that particularization by the Legislature, of every minute point which is liable to arise in law cases is founded in error, and tends to promote litigation, screen the guilty, subvert justice, entammel the honest jurist, and ensnare the unwary victim in its hydra meshes—embroiling, and involving the peace and quiet of any community, in which it is permitted to rear an influence. Such a course is only favorable to the evil doer, and such as prefer to exonerate themselves from the plain, straight forward claims of justice; because, peradventure, a doubtful item in law may be found, which properly taken advantage of by its able exponents, and devout votaries, may be wielded to aid them in their villainy, thereby strangling justice in her very courts, and profaning her very temples, in the citadel of her power.

Owing to human frailty, we may not attain unto a perfect code until the fullness of times shall more fully disclose heaven's brightness, and our "officers are peace," and our "exactors righteousness."

It is very properly considered that persons appointed to administer, and execute the laws, are not only capable, but are honest in every discharge of duty; and indeed it is not even presumable that it could be otherwise; nevertheless, if it should prove different, the people have their remedy—let their place be filled by others. With this restrictive power in their own hands, the people are safe in investing their officers with discretionary powers sufficient for almost every case, in full confidence that they will not abuse the trust reposed in them, but execute judgment in righteousness, faithfully respecting the proffered covenant of Heaven's King, that He will put His "law in their inward parts, and write it upon their hearts."

This policy carried out, instead of making a machine of a man, a mere puppet, or automaton, calls into exercise all the ennobling qualities of his nature; the highest attainments of which he is susceptible. Integrity, sense, and judgment cause him to look

upon himself as responsible, for the abuse of power with which he is entrusted by the people, directly to the source from which he receives it. Strip a judge, or justice, of the legal mists and fog which surround him in this day and age; leave him no nook or corner of precedent, or common law ambiguous enactments, the accumulation of ages, wherein to shelter, and it is my opinion, that unrighteous decisions would seldom be given.

It is much better to have no written law, than to send people into the labyrinths of such a mass of nonsense as fills the library of the law student, and which we frequently see entailed upon the people by the legal enactments our statute books contain.

Let all of our laws have no other practice or rule of decision, save it be in the discretion vested in the bosom of the court. 'Tis true there is much wisdom in the experience of the past, and the sons of wisdom can see and appreciate it; but that it is intermingled with much darkness, folly, and inapplicability to us, few will deny.

We shall have accomplished a great, and a good work, when we have drawn from the fountains of wisdom and intelligence, rules and regulations to govern, control, sustain, and protect society. Under the canopy of our ever glorious Constitution, we have liberty to combine from the experience of ages all that wisdom has sanctioned, and adding thereto such as she shall seem to dictate, erect for ourselves a platform whereupon to build, which, being freed from the burden of past errors, inapplicability, folly, and tradition, will exert a vivifying, invigorating, reforming influence, descending to the capacity of all who can read, even though not learned in the so called "*Science of Law*."—Let this therefore be our motto: "True Principle and Simplicity." Let our enactments contain all that is necessary, and *no more*, and obviate the necessity for traveling outside of them to know the law. Then shall we bring it to the understanding, and within the comprehension of the school boy, and the humblest citizen; avoiding that huge mass of uncertainty contained in the musty rolls of ages, and emanating principally from those governments and nations, whose principal efforts seemed to result in the aggrandizement of the rich, and powerful, at the expense of the poor and humble.

In this connexion, permit me to add that our Code Commissioners appear inclined to prepare laws to meet all necessary purposes, bestowing great care upon such as they intend to present for the action of the Legislature, although a multiplicity of other business has retarded their progress.

Since my last communication to your honorable body, nothing of serious importance has occurred, except the hostilities of the Utah Indians, to disturb the usual peace, and quiet routine of the business affairs pertaining to our mountain government.

The annual pilgrim host have come, and passed on to the land of gold, unobtrusively, and with unprecedented harmony, leaving occasional representatives here and there, who, either through choice or necessity, tarry a while in the valleys of the mountains, awaiting the moving trains of another season to escort them to rejoin their brethren at the shrine of their worship, the shining dust of the new born Star.

The immigration to this Territory has been considerable—amounting, it is estimated, to about ten thousand souls. Of these a portion are from the northern European States, and the British Isles; a very fair division to Utah of the annual foreign immigration to the States, when we consider her far inland position. Utah! Fair Utah!! Behold her in the midst of the snow-capped mountains, narrow vales, or extended plains;—no navigable river penetrates her surface, nor proceeds from her mountain fastnesses, on which to bear to her bosom the commerce of the nations. The iron horse has not yet found his way along her narrow vales, nor yet have the lightning wires conveyed to her citizens the "latest news." In silent grandeur she reposes, content in her internal resources, unacquainted with the hurried excitement of the day, or the passing wonder of the fleeting moment. For weeks, aye, months, the ox trains drag their heavy weights, along, with whatever mail matter might have been entrusted in a day long since past, and forgotten. Perhaps there are no people, in this age of rapid communication, so isolated as ourselves. In our internal intercourse, we have frequent exchanges with each other—but outside of this narrow compass, from two to seven months frequently intervene without a word from any source beyond the limit of the Great Basin.

It would seem probable that if the authorities at Washington, could only realize

themselves in our position in this respect, they would exercise a little clemency, and use a little exertion to let us hear from them as often as twice a month, if not weekly. We are not very nomadical in our pursuits, and may usually be found somewhere in the vicinity of the Great Salt Lake, although it is said that we have wandered to the Gallipagos. Having no intention of straying so far, just at present, I propose that Congress be advertised of the fact that we are still hereabouts, and may easily be found on enquiry. It might also be well to suggest to the Department, that it would be proper, that is, if they wish to accommodate us with the mails, to let their contracts to such persons as make bids with the expectation of fulfilling them, and who will provide suitably to do it with some prospect of success. The contracts heretofore would never justify extra expense; consequently, the contractors' feeble attempts of course proved fruitless, and we have been left without a solitary mail, for over half a year at a time.

We recognize in the Pacific Railway a work worthy the attention of a great and enterprising people; and pass where it will, we cannot fail to be benefited by it. The present overflowing coffers of the public Treasury seem a propitious omen for its speedy accomplishment, if Congress exercise that wisdom for the benefit of the nation, which will secure to herself the greatest political, as well as pecuniary advantages proffered in the century in which we live. It is of incalculable convenience and profit in times of peace, and indispensable in war. In addition to throwing into the lap of the nation, the treasures and commerce of the Eastern Continent, and the Pacific Isles, its accomplishment cannot fail, by reason of furnishing so rapid a conveyance, to carry influence and power from one extremity of the Union to the other, and make her the arbiter of the world. It will greatly increase the commerce on the seas, and afford it the most powerful protection.

Owing to the death of the deeply lamented Capt. Gunnison and a portion of his party, who were engaged in exploring a route for this Road through this region of country, it is possible that its advantages may measurably be lost sight of, or remain unknown, until a location of some route is made. I have therefore thought proper to call your attention to this subject, hoping, that the interest which is known to exist in favor of this route will not permit it to suffer for the want of proper representation to Congress.

While the world is progressing with steam engine power, and lightning speed, in the accumulation of wealth, extension of science, communication and dissemination of letters and principle, why may not the way be paved for the easier acquisition of the English language, combining as it does great extension, and varied expression, with beauty, simplicity, and power, and being unquestionably the most useful and beautiful in the world? But while we freely admit this, we also have to acknowledge that it is perhaps as much abused in its use, and as complex in its attainment as any other. The correction of its orthography, upon some principle of having characters to represent the sounds which we use, has occupied the attention of many scientific gentlemen from time to time, but through lack of influence, energy, or some other cause, they have failed to accomplish so desirable an object. If something of this nature could be introduced which could be brought into general use, I consider it would be of great utility in the acquirement of our language. I am happy to learn that the Regency are deeply engaged in investigating this interesting subject; and hope that ere long, they may be able to produce something that will prove highly beneficial. This Board have exerted a genial influence in behalf of education, by stimulating the people to erect good school houses, and giving an impetus to the organization and maintenance of common schools, and the cause of education generally. For the want of funds the University works continue suspended, but it is expected that the increasing amount of the finances will soon enable you to grant them substantial aid. The education of our youth is a subject which should never be foreign from our care; and I doubt not, will continue as heretofore, to engage your warmest interest and encouragement.

Under the wise and correct impressions that to promote domestic manufactures, and endeavor to develop the resources of this Territory, they were best advancing the true interest of the People, their constituents, the Legislature of last season passed many acts



for the encouragement of such manufactures and productions as were deemed essential, and within the ability of the people to accomplish.

The response which the inducements thus offered have met, although not as flattering as desired, is yet considerable, and betokens a disposition on the part of the citizens, to supply from their own industry, and perseverance, their necessary wants.

The only premiums reported, which have been awarded, are two for raising flax seed. The crop raised by William Muir being  $27\frac{1}{2}$  bushels of seed, and 500 lbs. of flax lint from one acre of ground, (see report of Auditor,) sets at rest the foreboding of some of our citizens that it would not lint in this country, and adds a most important item of raw material to our list of resources. I strongly recommend a continuation of this policy, believing that nothing can give greater activity, energy, or more independence, and wealth, than for a people to *supply from home production, home supplies*. Extend therefore your aid, commensurate with your ability, for the encouragement of home manufactures. Let the artizan and the machinist erect their trophies upon our mountain rivulets, and let the strong rush of the swift waters, intermingling the voice of machinery with the hum of business, be made to contribute its overflowing bounty to advance the interest of enterprising men.

It is obvious to the most casual observer, that the natural wealth of this country consists in stock raising, and grazing. This branch of business is occupying a large share of the attention of our citizens, and considerable investments have already been made. So long as the California markets remain dependent upon foreign supplies, we may naturally expect large accessions will be made to our flocks, and herds. I have directed your attention to this subject, that some regulation may be made in relation to the management of herds, and herding grounds, so as to preserve good order amid conflicting interests. Self-protection requires that some system, requiring a strict observance of its provisions, should be adopted. It is desirable that the people take care of their stock, either by herding, or pasturing, instead of letting it roam at large, thereby saving much time and labor in hunting lost stock, which is probably either driven off, or stolen by the Indians, without the knowledge of the owner; this being the result of their own carelessness, and neglect in not suitably providing for its safe keeping.

It would seem that some combined effort, under suitable regulations, would be salutary, aimed to make large enclosures, or provide suitable herding; which as yet has not been done among us.

Owing to the Indian disturbances in the southern part of the Territory, but little has been done in making Iron, although the preparatory work is considerably advanced. The appropriations made for opening a road to the coal beds, and also to encourage the making of Iron have been expended. In working this road, thick beds of excellent coal have been discovered, whose existence was not previously known. A large number of families having migrated to Iron county this season, together with other effectual operations, it is presumed that they will be able to continue the works with an increased energy, and soon realize our strong anticipations of success.

The same warfare has also impeded the public works at Fillmore, the inhabitants having sufficient to do to protect themselves, their stock, and crops, from the threatened outbreak of the Indians; although the Indians in that immediate vicinity were, until the massacre of Capt. Gunnison and party, supposed to be friendly. The further prosecution of those works will have to be done at the expense of the public funds of the Territory, unless Congress shall see proper to extend her liberality by an additional appropriation.

The site for the Penitentiary has been located by the Secretary, the Hon. A. W. Babbitt, on Kanyon Creek, adjacent to the south eastern limits of this City. He is authorized to expend the appropriation made by Congress for that building, and is making the requisite arrangements for its speedy erection.

The appropriations for these two objects, although usual in amount for the Territories, for such purposes, operate unequally, when we consider the difference in the price of building materials, and labor, on the lakes, and navigable rivers of the Great West, east of the Rocky Mountains, where one dollar is about equal to five in this region, where imported goods pay a tariff, for freight alone, of 15 cents per lb., and lumber is scarce,

and hard to get at any price. No building, at all suitable for the purposes designed, can be built for the amount appropriated. 'Tis true the money can be expended, but without much available effect, unless followed up by additional appropriations, either by the General Government, or the Territory. No particular blame can be attached to Congress, for it is presumed, had they been apprized of the precise nature of the subject in question, their appropriations would have been commensurate with their design in making them; and as it is, they will probably make them so, upon the proper representation being made.

During the high waters of the past season, much damage was done by sweeping away the principal bridges across the largest streams. It is presumed that the counties in which they are located will rebuild them at their own expense, as soon as they are able, but as these bridges are a decided benefit to the traveling public at large, and the settlements are new, and so weak as to make it rather burthensome for them to build alone, it is but right that they should receive aid from the public funds.

With the exception of the Jordan bridge, which progresses slowly, and the Arsenal, which will soon be completed, but little can be said of public improvements; the people having been almost exclusively engaged in tearing down their houses, erecting forts, and fortifications for their defence against the Indians. It has served to check many an enterprise already commenced, and many others in prospect, which otherwise would have been completed, or in successful progress. It will prove a salutary lesson to us hereafter, if we improve upon our present year's experience, and cause us to base our settlements upon a fair system of defence. The apprehensions of any danger from the Indians has appeared so distant and uncertain to the citizens of the Territory, that I have experienced great difficulty in convincing them, that there could be any difficulty whatever.

The assessment for the present year, including a delinquency in the collection of last year, a portion of which it is presumed will yet be realized, and amount on hand, amount to	\$24,121 09
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There has been paid on account of public improvements, such as Roads, Canals, Bridges, Arsenal, &c.,	\$12,301 37
On account of Indian expeditions of previous years,	227 36
For ammunition,	158 90

Contingent expenses, including bounty on Wolves, issued prior to the repeal of the Act,	1,493,60
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\$14,181 23

Which leaves a balance in favor of the Treasury, of	9,939 86
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There have been issued during this year, warrants upon the Treasury, amounting to	14,834 92
Outstanding previous,	2,898 66
Amount of supposed indebtedness not audited,	6,000 00

23,733 58

Of the above amount there has been redeemed at the Treasurer's office,	10,003 66
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Amount in Treasurer's hands,	1,298 41
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11,302 07

Which leaves in circulation, with no available means on hand to redeem this amount,	12,431 51
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Delinquencies in the collections of the year 1852,	6,463 00
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16,986 00

Which leaves a balance in favor of the Treasury, if all was collected, of	4,554 49
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Thus within two years we find very nearly the same amount of revenue arising from first two, and then one per cent assessed. There is an unpardonable neglect on the part of the people, to pay up their delinquencies, as also on the part of the officers in making prompt collection, and return. A portion of the above calculations are based upon reports of former years, and on this account may vary a trifle when the present year's reports shall be received.

If the collections could be promptly made, and it is believed that under the present favorable condition of the country they might, the assessment of the per cent might be still reduced, and as much realized as at present.

If officers would be vigilant, and energetic in the discharge of their duties, more property would be found to assess, which would also increase the revenue, although the rate be lessened.

I will also suggest that cities and counties, might be limited in the assessments of their per cent, in order to lighten the taxes upon the people. The voluntary contributions of the people for public purposes, and the self-reliance reposed in them by the General Government, in causing them to protect themselves from Indian hostilities at their own expense, seem to require that the burdens of taxation should be as light as possible, and compatible with the requirements of the Government. Much has however been accomplished through the Territory, incident to new settlements, which it is presumed will have a tendency to relieve the people of many burdens. Many have now got into forts, which are completed, or nearly so; a goodly number of dwellings and school houses are built, neighborhood roads, and many bridges are made; a large amount of land is broken and fenced, and water ditches &c., finished: consequently the people are better prepared than heretofore, to pursue the more profitable avocations, and at far less inconvenience, and expense. You will therefore consider the necessities of the Territory, as well as the condition of the people, in fixing the per cent upon the assessment of property; and if you should find it in your power, consistently, to make provision for the further encouragement of education, for the support of common schools, for manufactures, for the payment of expenses incurred for the suppression of Indian aggression, to aid in the construction of the public buildings, for the erection of bridges, and the support of the poor, you will find them all objects worthy of your consideration, and dependent upon some degree, upon the judicious patronage of a liberal government.

In the military department of the Territory there is but little change from last year's report, except an increase of about seven hundred names to the muster rolls. In the southern settlements a great portion of the troops have been kept in almost constant service, in order to preserve the inhabitants, and their property from Indian aggressions; but notwithstanding this severe extra duty, the people have generally been able to secure their crops, and it is believed that a sufficient supply of provisions has been secured in all the settlements.

While upon a business tour south, in April last, I found a party of Mexicans at Provo, from New Mexico, whose ostensible object was to trade with Indians. Finding that they had guns and ammunition which they intended to dispose of to the Indians, and knowing, from former transactions, that they not only furnished them with munitions of war, but also incited them to it, by representing that we had not afforded them sufficient compensation for their lands, and that our stock should be as free to them as the game upon the mountains, and that we would not allow them to trade off their children, as was their custom previous to our settlement in these valleys; these and numerous other facts of a similar tendency being elicited, in addition to their own boast that they cared nothing for law, and would not be restrained from any pursuit which they chose to follow; and believing that it was dangerous to the peace of the Territory, to permit them to roam at large in our settlements, or among the Indians contiguous thereto, I issued my Proclamation directing their arrest, with strict guard to be kept over them, until such times as their purposes with the Indians could be frustrated.

For a time this seemed to have the desired effect; and, if hostilities had actually been designed, served to postpone, at least for a time, any outbreak. The Indians however,



in making their annual visit, which transpired subsequently, manifested a turbulent spirit; and although evidently aiming to conceal it, plainly showed that they had been tampered with, and that their feelings were very different than upon former visits. Subsequent events have proved, if any proof was wanting, that these were the facts in the case, for they had scarcely left the strongest settlements, before they commenced by killing one man, and driving off a few cattle; since which time they have continued to make depredatory incursions upon the settlements, killing the citizens and driving off stock, whenever opportunity occurred.

During the late troubles, twelve of our citizens have been killed at different times, and many wounded; and seven of the exploring party, including the lamented Captain Gunnison, have been killed on the Sevier. About an equal number of Indians are supposed to have been killed. Much property has also been destroyed, and much time spent in guarding, on expeditions, carrying expresses, &c. and between 350 and 400 head of cattle and horses, have been killed and driven off. These hostilities have as yet only extended to Utah, Juab, Millard, and San Pete Counties. It is believed that the vigilance and prudence of the citizens in taking care of their stock, crops, and themselves, will be the surest way of bringing the Indians to terms, thus affording them no opportunity of furnishing themselves with the supplies necessary for their existence. As winter approaches, it is expected they will sue for peace, if this policy is rigidly adhered to. In fact, some indications of this nature have already appeared, by a few coming in and seeking labor; and when they learn that they can remain in safety, it is presumed that others will follow their example. It becomes the citizens, while they treat the natives kindly, and use every inducement to conciliate their good feelings, not to relax their watchfulness nor prudence, in taking care of themselves and their property.

This constant alarm, and service have accumulated considerable expense, which we expect will be paid by the General Government; the accounts and abstracts of which have been forwarded to the proper department for allowance, and when realized will give grateful, and necessary relief to those who have, in the midst of poverty, endured hardships without a murmur. For expeditions for the suppression of Indian hostilities the General Government have not as yet appropriated any compensation, nor have they authorized any treaties to be held with the Indians for any purpose whatever. If in your wisdom you shall deem it proper to memorialize Congress upon these subjects, not only damages sustained by the people, but provision to meet treaty stipulations should be included in the petition. Utah can furnish her own land reserves for the natives, within her borders, and only asks for an equitable portion to be paid in annuities, which it is believed will be satisfactory to the tribes, who will certainly be benefited to the extent of what they receive, as so much country is of but little avail to them. Should Congress take early steps to extinguish the Indian title in Utah, and locate the tribes by themselves, leaving a strip of well defined neutral ground between them and the white settlements, it would nearly, if not entirely prevent such troubles, and immense losses, as our citizens have been compelled to wade through, during the past season, at an expense of some \$200,000, for tearing down and removing houses, and building forts, exclusive of the accounts and abstracts above mentioned. In case this course fails of being adopted, it will doubtless be from causes based on wisdom, which we at least should be able to discern; for those circumstances which have surrounded us, though, apparently, for the present, hard to endure, tend directly and constantly, with overwhelming force, to school us and our children in those principles, and practices of self reliance, and preparation for all emergencies, which are of far more value to any community than an untold amount of wealth poured into their laps without effort or experience.

In Congress, where the members have so much trouble in explaining their consistency, while canvassing their respective districts, and moreover have so much money to spend, it is probably a wise provision that they should meet often, and have long sessions; but in the States and Territories, it would appear that economy at least would dictate, that when they have adopted a code of laws, they should let them remain unmolested, long enough for the people to learn, and understand them, and not commence tearing them to

pieces simply because they have nothing else to do, and before a knowlege of those laws, can arrive at their destination, by present facilities.

From my observation of the past, I am convinced that Legislatures meet too often, and that more business, beneficial to the country, might be accomplished in a much shorter time than is usually occupied by them. Ninety days in session, devoted with sincerity and energy for the benefit of the people, is ample, in ordinary cases, and, then only convene once in two, three, or four years, unless some important exigency should arise, in which case they could easily be convened, as now, by proclamation.

Happily for Utah, she has no party politics for her Legislature to discuss, she can therefore lend her energies for the benefit of the country, and practising that industry, so worthy of imitation by the people, benefit them by example, as well as precept.

Judging the future by the present and past, unparalleled prosperity is dawning upon us as a people. Health and contentment universally prevail, and the mountain breezes, and cooling streams bring vigorous strength and action. Nature's wilderness is fast receding before the scythe, the sickle, and the plow, and her swarthy children keep company with the mountain game, or retire with the Buffalo of the arid and extended plain, to make way, to give place for the pale face, the citizen who inhabits houses, and cultivates the ground. Although far distant from the channels of the trade and commerce of the world, and, moreover, isolated in a great degree from the influence of her society, yet it is a rich inheritance which has been extended unto us, and which in due time will, if rightly improved, add a brilliant to the constellation of nations illuminating the northern hemisphere.

As hitherto, self-exertion meets her own reward, and the laborer delves with a certain prospect of success, and the teeming earth yields forth her fruits and grain, in rich abundance, for the sustenance of the children of her bosom.

Let us continue to cultivate the arts of peace, and impart to the weary wanderer comfort and consolation, abiding in charity and benevolence towards our fellows, whether found in the forlorn wandering ignorance of ages, or the enlightened bondage of tradition and error.

Feeling to reciprocate for past kindness and forbearance, I shall ever be ready to participate with you in your labors, hoping that our united exertions may become advantageous, and promote the interest, prosperity, rapid growth, and advancement of the rising State.

BRIGHAM YOUNG.

UTAH TERRITORY,

EXECUTIVE OFFICE.

Dec. 12, 1853.

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